

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| UNITED STATES OF AMERICA | : | CRIMINAL NO. <u>08-259</u> |
| v. | : | DATE FILED: <u>March 17, 2009</u> |
| SEAN O'NEILL | : | VIOLATIONS: |
| | : | 18 U.S.C. § 1546(a) (possession of an alien |
| | : | registration receipt card procured by |
| | : | fraud - 1 count) |
| | : | 18 U.S.C. § 1001(a)(1) (false statement - 1 |
| | : | count) |
| | : | 18 U.S.C. § 1546(a) (use of a fraudulently |
| | : | obtained alien registration receipt card - 9 |
| | : | counts) |
| | : | 18 U.S.C. § 911 (false claim of United |
| | : | States citizenship - 2 counts) |
| | : | 26 U.S.C. § 5861(d) (illegal possession of |
| | : | an unregistered silencer - 2 counts) |
| | : | 26 U.S.C. § 5861(i) (illegal possession of a |
| | : | silencer without a serial number - 2 |
| | : | counts) |
| | : | Notice of forfeiture |

SECOND SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

INTRODUCTION

1. Defendant SEAN O'NEILL, a native and citizen of the United Kingdom, was born in Coalisland, County Tyrone, Northern Ireland, United Kingdom, on or about February 5, 1960.
2. In the United Kingdom, Section 19(1)(a) of the Northern Ireland

(Emergency Provisions) Act of 1973 (“the Act”) prohibited membership in or professing to be a member of certain organizations, including the Fianna na h’Eireann. The Fianna na h’Eireann was an organization dedicated to the violent overthrow of British rule in Northern Ireland.

3. On or about November 8, 1977, in Northern Ireland, defendant SEAN O’NEILL pleaded guilty to being a member of Fianna na h’Eireann, in violation of the Act. He was sentenced to a term of imprisonment.

DEFENDANT O’NEILL’S INITIAL ENTRY INTO THE UNITED STATES

4. On or about January 12, 1983, pursuant to a visa issued and approved by the United States Consulate in Belfast, defendant SEAN O’NEILL traveled to the United States.

5. On or about January 15, 1983, defendant SEAN O’NEILL entered the United States at John F. Kennedy Airport, New York, New York, and was permitted to remain in the United States for six months.

6. On or about April 21, 1983, defendant SEAN O’NEILL purchased a .38-caliber Colt revolver, model detective special, serial number 692309. In the record of sale, defendant O’NEILL falsely stated that he was born on May 2, 1959 in Irving, Texas.

DEFENDANT O’NEILL’S FRAUDULENT MARRIAGE

7. On or about September 15, 1983, defendant SEAN O’NEILL married in the state of Delaware Person No. 1, a person known to the grand jury, who was a Lawful Permanent Resident (“LPR”) of the United States, to obtain fraudulently an Alien Registration Receipt Card and adjust his status to that of an LPR, which is referred to as obtaining a “green card.” The marriage was a sham marriage and was never intended to be, and never was, a true marriage. Defendant O’NEILL advised Person No. 1 that he would handle getting the divorce as

soon as he obtained his green card.

DEFENDANT O'NEILL'S ARREST IN PENNSYLVANIA

8. On or about October 8, 1983, the Haverford Township Police Department arrested defendant SEAN O'NEILL for carrying firearms without a license. On or about December 8, 1983, the charges were dismissed.

DEFENDANT O'NEILL OBTAINS A FRAUDULENT GREEN CARD

9. On or about November 22, 1983, Person No. 1, a person known to the grand jury, applied to the United States Immigration and Naturalization Service ("INS") for defendant SEAN O'NEILL to become an Lawful Permanent Resident of the United States ("LPR"). In the application, Person No. 1 claimed to be legitimately married to defendant O'NEILL and sought LPR status for defendant O'NEILL based on their marriage.

10. On or about November 28, 1983, the application submitted by Person No. 1, on behalf of defendant SEAN O'NEILL, was approved by the INS. Defendant O'NEILL was then required to apply to INS for adjustment of his immigration status to that of an LPR.

11. On or about April 18, 1985, defendant SEAN O'NEILL appeared before the INS in Philadelphia and applied to adjust his immigration status to that of an LPR. Defendant O'NEILL signed the application and swore that all of the statements in the application were true and correct. Defendant O'NEILL made several false statements on this application, including:

- a. falsely denying that he was a member of any "organizations, societies, clubs, and associations, past or present," either in the United States or a foreign country;
- b. falsely denying that he had ever been arrested, convicted of a crime, or

confined in a prison;

c. falsely denying that he had ever “advocated or taught . . . through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force or violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, [or] (v) sabotage.”

The instructions on the application preceding defendant O’NEILL’s false statement described above in subparagraph (c) stated that “aliens within any of the following classes are not admissible to the United States and are therefore ineligible for status as permanent residents”; and

d. falsely claiming that he was legitimately married to Person No. 1 and that she resided with him as his wife.

12. On or about September 23, 1985, defendant SEAN O’NEILL purchased a .45-caliber Colt pistol, model MKIV, serial number SS12643. In the record of sale, defendant O’NEILL falsely stated that he was born on May 2, 1959.

13. In connection with defendant SEAN O’NEILL’s application to become an LPR, the INS notified defendant O’NEILL to appear before an INS official in Philadelphia on July 3, 1986, September 2, 1986, and January 16, 1987. Defendant O’NEILL failed to appear each time.

14. On or about September 19, 1986, defendant SEAN O’NEILL married Person No. 2, a person known to the grand jury, in the state of Pennsylvania. On his marriage certificate, defendant O’NEILL falsely claimed that he had no prior marriages. Defendant O’NEILL had not divorced Person No. 1.

15. On or about January 9, 1987, defendant SEAN O'NEILL purchased a 9-mm semiautomatic pistol, model P11, serial number 23373. In the record of sale, defendant O'NEILL falsely stated that he was born on May 2, 1959 in Irving, Texas.

16. On or about January 20, 1987, defendant SEAN O'NEILL informed the INS that he had failed to appear at his previous appointments because he had been working outside of the Philadelphia area; he failed to notify INS that he had married Person No. 2, nor did he correct his application for adjustment to reflect his new marital status.

17. On or about February 5, 1987, the INS notified defendant SEAN O'NEILL to appear before the INS in Philadelphia on February 17, 1987 to answer questions regarding his October 8, 1983 arrest by the Haverford Township Police for illegal possession of a firearm. Defendant O'NEILL correctly notified INS officials that these charges had been dismissed. He did not provide any information to the INS regarding his conviction or prison sentence in Northern Ireland nor did he advise them that he had since married Person No. 2.

18. On or about March 26, 1987, based, in part, on defendant SEAN O'NEILL's false statements to the INS, defendant O'NEILL's application to become an LPR of the United States was granted and the INS issued him an Alien Registration Receipt Card.

17. On or about March 3, 1994, defendant SEAN O'NEILL applied to become a United States citizen. Defendant O'NEILL submitted an application, signed it, and certified that all of the statements in the application were true and correct. Defendant O'NEILL falsely claimed that he had been married only once, falsely denied membership in any organization, that he had been arrested, cited, charged, convicted of a crime, or imprisoned, and that he had ever given false testimony in connection with an immigration matter. On or about

July 27, 1994, defendant O'NEILL's application for naturalization was terminated because he failed to appear for a naturalization interview.

18. On or about December 13, 1994, defendant SEAN O'NEILL was issued a license to carry firearms by the Sheriff of Delaware County, Pennsylvania. On the application for the license, defendant O'NEILL falsely stated that he was born on May 2, 1959 and was a United States citizen.

19. On or about October 18, 1995, defendant SEAN O'NEILL applied to the INS for renewal of his Alien Registration Receipt Card or "green card," which was based on his original application. Defendant O'NEILL failed to disclose that he had been convicted of a crime, was sentenced to prison in the United Kingdom, that he had been a member of an organization that advocated for the violent overthrow of British rule in Northern Ireland, and that his first marriage was a fraudulent one, and thus continued to obtain benefits received under his original application. The INS issued the green card on October 26, 1996, and it was valid for 10 years.

20. On or about January 9, 1997, defendant SEAN O'NEILL purchased a 9-mm Keltec, semiautomatic pistol, model P11, serial number 23373. In the record of sale, he falsely stated that he was born on May 2, 1959 in Irving, Texas.

21. On or about April 12, 2000, defendant SEAN O'NEILL was issued a license to carry a firearm and a sportsman firearm permit. On the application for the license, defendant O'NEILL falsely stated that he was born on May 2, 1959 and was a United States citizen.

22. On or about March 8, 2005, defendant SEAN O'NEILL registered to vote

in Delaware County, Pennsylvania, falsely stating that he was a United States citizen.

23. On or about November 11, 2006, defendant SEAN O'NEILL was interviewed by an official of the United States Customs and Border Protection in reference to defendant O'NEILL's application for re-admission to the United States as an LPR. During this interview, defendant O'NEILL falsely denied and fraudulently concealed that he had been charged with and convicted of a crime in the United Kingdom and was a member of an organization that advocated for the violent overthrow of British rule in Northern Ireland.

24. On or about January 24, 2007, defendant SEAN O'NEILL applied for renewal of his Alien Registration Receipt Card or "green card," which was based on his original application. Defendant O'NEILL failed to disclose that he had been convicted of a crime, was sentenced to prison in the United Kingdom, that he had been a member of an organization that advocated for the violent overthrow of British rule in Northern Ireland, and failed to reveal that his first marriage was a fraudulent one, and thus continued to obtain benefits received under his original application. The United States Bureau of Citizenship and Immigration Services, the successor agency to the INS, issued the card on August 2, 2007, and it was valid for 10 years.

25. On or about April 11, 2007, defendant SEAN O'NEILL falsely claimed that he was a United States citizen to a district court justice in a court proceeding in Chester County, Pennsylvania.

26. On or about August 2, 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN O'NEILL

knowingly possessed, obtained, accepted, and received a document required for entry into and as

evidence of authorized stay and employment in the United States, that is, an alien registration receipt card issued in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement and otherwise procured by fraud and unlawfully obtained.

In violation of Title 18, United States Code, Section 1546(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 18, 2006, in the Eastern District of Pennsylvania, and elsewhere, defendant

SEAN O'NEILL,

in a matter within the jurisdiction of the United States Bureau Customs and Border Protection, an agency of the executive branch of the United States, knowingly and willfully made false, fictitious, and fraudulent statements and representations, and falsified, concealed, and covered up by trick, scheme or device a material fact, in that, in an interview regarding his application for re-admission to the United States, defendant O'NEILL falsely denied and fraudulently concealed the fact that he had been charged with and convicted of a crime in the United Kingdom and was a member of an organization that advocated for the violent overthrow of British rule in Northern Ireland, when, as the defendant knew, he had been charged with and convicted of a crime in the United Kingdom and was a member of an organization that advocated for the violent overthrow of British rule in Northern Ireland.

In violation of Title 18, United States Code, Section 1001(a)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 17, 2008, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 2, 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 18, 2006, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 18, 2006, in the Eastern District of Pennsylvania and elsewhere,
defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 25, 2005, in the Eastern District of Pennsylvania and elsewhere,
defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 24, 2005, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 4, 2004, in the Eastern District of Pennsylvania and elsewhere,
defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 5, 2004, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 17, 2003, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN O'NEILL

knowingly uttered, used, attempted to use and possessed a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card in the name of Sean O'Neill, which the defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant O'NEILL claimed in his initial application for Status as a Lawful Permanent Resident that he had never been arrested, charged, or convicted of any offense or crime, and had never been a member of an organization, when in fact, as defendant O'NEILL knew, he had been arrested, charged and convicted of an offense or crime, and that he had been a member of an organization.

In violation of Title 18, United States Code, Section 1546(a).

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 8, 2005, in Delaware County, in the Eastern District of
Pennsylvania, defendant

SEAN O'NEILL,

an alien and a native and citizen of the United Kingdom, falsely and willfully represented himself
to be a citizen of the United States.

In violation of Title 18, United States Code, Section 911.

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 1, 2006, in Newtown Square, in the Eastern District of Pennsylvania, defendant

SEAN O'NEILL

knowingly possessed a firearm, as defined in Title 26, United States Code, Section 5845(a)(7), that is, a Parker Hale .22-caliber firearms silencer, which was not registered to the defendant in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Section 5841.

In violation of Title 26, United States Code, Sections 5845(a)(7), 5861(d), and 5871.

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 1, 2006, in Newtown Square, in the Eastern District of Pennsylvania, defendant

SEAN O'NEILL

knowingly possessed a firearm, that is, a Parker Hale .22-caliber firearms silencer, which was not identified by a serial number, as required by Title 26, United States Code, Section 5842(b).

In violation of Title 26, United States Code, Sections 5845(a)(7), 5861(i), and 5871.

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 27, 2008, in Newtown Square, in the Eastern District of Pennsylvania, defendant

SEAN O'NEILL

knowingly possessed a firearm, as defined in Title 26, United States Code, Section 5845(a)(7), that is, a .22-caliber firearms silencer, which was not registered to the defendant in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Section 5841.

In violation of Title 26, United States Code, Sections 5845(a)(7), 5861(d), and 5871.

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 27, 2008, in Newtown Square, in the Eastern District of Pennsylvania, defendant

SEAN O'NEILL

knowingly possessed a firearm, that is, a .22-caliber firearms silencer, which was not identified by a serial number, as required by Title 26, United States Code, Section 5842(b).

In violation of Title 26, United States Code, Sections 5845(a)(7), 5861(i), and 5871.

COUNT SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 11, 2007, in Chester County, in the Eastern District of
Pennsylvania, defendant

SEAN O'NEILL,

an alien and a native and citizen of the United Kingdom, falsely and willfully represented himself
to be a citizen of the United States.

In violation of Title 18, United States Code, Section 911.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 26, United States Code, Section 5861(d) and (i), set forth in this indictment, defendant

SEAN O'NEILL

shall forfeit to the United States of America all firearms involved in such violations, including, but not limited to:

- (1) a Parker Hale .22-caliber firearms silencer; and
- (2) a .22-caliber firearms silencer with no manufacturer's marks.

All pursuant to Title 28, United States Code, Sections 2461, and Title 26, United States Code, Section 5872.

A TRUE BILL:

GRAND JURY FOREPERSON

LAURIE MAGID
United States Attorney